THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.11755 of 1998

Dated : 03.04.2007

Between:

J.Pavan Kumar S/o Balaiah and others.

… **PETITIONERS**

And:

The Chairman, A.P., Housing Board,
Gruhakalpa, M.J.Road, Hyderabad and others.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.11755 of 1998

ORDER:

This writ petition is filed seeking a direction to the fifth respondent to conduct a detailed enquiry through an officer of CBCID into the gross irregularities committed by respondents 1 to 4 in allotting the houses under Middle Income Groups I & II to the ineligible applications in the Andhra Pradesh Housing Board Colony, Karimnagar, and a consequential declaration that the petitioners are eligible for allotment of houses of MIG.I and II as per the Andhra Pradesh Housing Board M.I.G.H. Regulations, 19775 (for short "the Regulations") is also sought.

Petitioners, who are residents of Karimnagar, claim to be houseless people and eligible for allotment of houses under Middle Income Group Scheme (Scheme) in terms of the Regulations. During the years 1982 and 1990, the respondents issued a publication in daily newspaper inviting applications from eligible candidates for

registration of their names in the Andhra Pradesh Housing Board (Board) for allotment of houses under the Scheme by paying the required fee. Accordingly, in the year 1994, houses were allotted to the applicants. As per the rules and regulations of the Board, the applicants shall pay 30 per cent of the estimated cost within a period of nine months from the date of intimation of allotment in three different spells and the remaining 70 per cent within the period prescribed by the Board. However, contrary to the rules and regulations, the respondents alleged to have allotted houses to the persons who already had houses and even some of the applicants have not paid the said amount within the prescribed period, but despite the same, the third respondent, after lapse of three years from allotment, issued proceedings dated 16.03.1998 intimating the defaulters to pay the balance amount within a period of fifteen days from the date of receipt of the said proceedings. Now the grievance of the petitioners is that though they are eligible for allotment of houses, by virtue of the action of the respondents in giving time than the prescribed period for payment of 30 per cent of the estimated cost to the defaulters contrary to the rules, they are deprived of houses. Hence, this writ petition.

A counter is filed on behalf of respondents 1 to 4 stating that the petitioners have not submitted any application pursuant to the notification for allotment of houses and therefore, they have no locus to question the allotment to the members of the Board, and apart from that the petitioners have not produced any documentary evidence in support of their complaint. It is further stated in the counter that the allotment to the defaulters was cancelled and therefore, no defaulter made any illegal alienation to any third party. It is also stated that a similar writ petition, being W.P.No.34874 of 1997 was filed before this Court and pursuant to the direction in the said writ petition, an Estate Officer was appointed to enquire into the matter and submit a report and basing on the said report, the allotment orders issued to some of

the applicants were cancelled, and the vacant houses would be allotted to the members who are in waiting list. Therefore, there is no illegality in the action of the respondents, and hence, the writ petition is liable to be dismissed.

Heard the learned counsel for the petitioners and the learned standing counsel appearing on behalf of the respondents.

Having regard to the fact that the petitioners have not applied for allotment of houses pursuant to the notification issued by the respondents, this Court is of the view that the petitioners have no locus to file this writ petition. Further, in view of the averment in the counter that the respondents cancelled the allotment made to ineligible applicants, this Court sees no merit in this writ petition.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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03.04.2007

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